

Notice of Allowability

Application No.

10/007,747

Applicant(s)

DAGGETT ET AL.

Examiner

John D. Ulm

Art Unit

1646

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
Claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included
with (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS
OFFICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative
of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

This communication is responsive to the response filed on 03 May 2004.

☐ The allowed claim(s) is/are 37,38 and 40.

☐ The drawings filed on 17 April 2002 are accepted by the Examiner.

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the
International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements
stated below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF
INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of
Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of
each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the
attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

☐ Notice of References Cited (PTO-892)

☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____

☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.

7. ☒ Examiner's Amendment/Comment

8. ☐ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____.

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Claims 37, 38 and 40 are pending in the instant application.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Vineet Kohli on 14 June of 2004.

The application has been amended as follows:

IN THE CLAIMS:

(Marked up version)

Claims 1 to 36, canceled.

Claim 37. (Currently amended) An isolated and substantially pure N-methyl-D-aspartate receptor subunit encoded by a DNA sequence [,]comprising a sequence of nucleotides [that encode an human N-methyl-D-aspartate receptor subtype, wherein said sequence of nucleotides is] as set forth in SEQ ID NO: [No.] 57.

Claim 38. (Currently amended) A substantially pure human N-methyl-D-aspartate receptor [subtype] subunit comprising the sequence of amino acids [as] set forth in SEQ ID NO:58.

Claim 39, cancelled.

Claim 40. (Currently amended) A method for detecting a binding partner for a [the] receptor comprising the receptor subunit of claim [37] 38 in a sample suspected of containing the binding partner, comprising:

- (i) contacting the sample with the receptor under conditions favoring binding of the receptor to the binding partner;
- (ii) determining presence of the binding partner in the sample by detecting binding of the receptor to the binding partner.

Claims 41 to 45, canceled.

THE CLAIMS

(clean version)

Claims 1 to 36, canceled.

Claim 37. An isolated and substantially pure N-methyl-D-aspartate receptor subunit encoded by a DNA sequence comprising a sequence of nucleotides as set forth in SEQ ID NO: 57.

Claim 38. A substantially pure human N-methyl-D-aspartate receptor subunit comprising the sequence of amino acids set forth in SEQ ID NO:58.

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Claim 39, cancelled.

Claim 40. A method for detecting a binding partner for a receptor comprising the receptor subunit of claim 38 in a sample suspected of containing the binding partner, comprising:

- (i) contacting the sample with the receptor under conditions favoring binding of the receptor to the binding partner;
- (ii) determining presence of the binding partner in the sample by detecting binding of the receptor to the binding partner.

Claims 41 to 45, canceled.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John D. Ulm whose telephone number is (571) 272-0880. The examiner can normally be reached on 9:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kunz Gary can be reached on (571) 272-0887. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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